The narrations of the Prophet Muhammad and his twelve successors also stress on the fact that experts must exist to guide the believers to their responsibility to the Creator, just as the final Imam of the Ahlul Bayt has stated: *"So then, as for the Fuqaha who protect their own soul, who safeguard their religion, who go against the desires and passions of their lower desires and who are obedient to the command of their Master, then it is permissible for the common people to follow them in religious issues (perform their Taqleed) and this (spiritual) state is found only in some of the Shi'a scholars - not all of them." (Wasail ash-Shia, Vol. 27, Page 131, Hadith 33401)*

There are numerous examples during the life of the Prophet Muhammad and his infallible successors in which they directed their companions to guide the followers in distant locations and taught them the methodology of how to derive Islamic rulings for 'new issues' which would come up.

The necessary conditions for qualification as a Mujtahid

It is understood from the religious texts that becoming an expert in Islamic jurisprudence *(fiqh)* and the other Islamic sciences is not in itself enough for qualification as a Mujtahid whom everyone can follow. In addition to the high level of Islamic studies which one must have mastered, Islamic law states that a Mujtahid should be a free man (of legitimate birth who is past the age of puberty, sane, an Ithna -Asheri Shi'a and one who is, *adil* - a trait which can be translated as 'just' but includes moral and legal qualities, such as piety and abstention from all that the Shari'ah forbids and fulfillment of all its obligations.

How to recognize who is a Mujtahid whom we can follow

How does an ordinary believer discover who is the Mujtahid he or she must follow? There are three recognized ways: 1) Personal knowledge if he/she is a religious scholar; 2) The testimony of two *adil*, knowledgeable persons to someone's being a Mujtahid; 3) A degree of popularity which leaves no doubt as to a person's being a Mujtahid.

In addition, most present day scholars maintain that it is most desirable to follow a Mujtahid who is *al-A'laam*. In a general sense this means *'the most learned'*, but in this specific contexts it means the Jurist who has the greatest expertise in deriving the rulings of the Shari'ah from the sources. The *most learned* may be recognized in any of the three ways a Mujtahid can, however it is sometimes difficult for the Shi'a scholars to distinguish whom among all the Jurists is the most learned. As a result, more than one Mujtahid may be followed in *taqleed* at one time (though not, of course, by the same person), as is the case at present in which there are over 15 such scholars whom the believers can choose to follow, but any such multiplicity does not result in any practical disagreement on legal matters within the Shi'a community.



The Importance of Ijtihād and Taqlīd

"If after the occultation of your Qa'im there were not to remain a person from amongst the scholars who: invite towards him (the Imam); guide others to him; defend his religion by the proofs of Allah; rescue the downtrodden servants of Allah from the snares of Iblees (Satan) and his hoards, and the traps of the enemies (of the Ahlul Bayt), then there would not remain a single person (on Earth) except that he would have left the religion of Allah. However, these scholars take it upon themselves to be the protectors of the hearts of our downtrodden followers just as the captain of a boat takes control of the lives and safety of those on his ship. Thus, these (scholars – the Ulama) are the best people in the sight of Allah, the Noble and Great."

Biharul Anwar, vol. 2, pg. 6, sec. 8, trad. 12

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During the life of the Prophet Muhammad *(peace be upon him and his family)*, he was the sole authority in all religious and political issues and issues about the religion or matters dealing with the community were forwarded to him or one whom he placed in authority (by the orders of Allah) over the believers. With his passing away, the chain of successors - the 12 Imams - began. The first of the explicitly appointed leaders was Ali ibn Abi Talib *(peace be upon him)* and the final successor is the 12th Imam, al-Hujjat ibnil Hasan al-Askari *(may Allah hasten his advent)*.

The leadership of the 12th Imam was quite different than that of the previous 11 Imams since by the wisdom of Allah, he was required to go into two separate and distinct forms of occultation. His minor occultation lasted for a little over 60 years during which time four *specific representatives* were appointed. They were responsible for forwarding questions on day to day issues from the faithful to the Imam, collecting the various Islamic funds (Khums, Zakat, etc..) and distributing them as the Imam saw fit, and other duties.

After the death of the fourth representative in the year 328 AH, the doors of *specific representation* were closed. However, the guidance did not end and according to the directive issued by the 12th Imam, they were to follow the scholars *(Fuqaha)* who: *"...guard their soul, protect their religion, and follow the commandments of their master (Allah)..."* Thus, the *'general representation'* has been placed on the shoulders of the *sources of emulation (*Mara'ja Taqleed).

What is Taqleed?

Taqleed comes from the Arabic root *'qal-la-da/yuqal-li-du/taqleed'* which means to 'imitate' or 'follow'. It does not mean "blind following" as some have rendered it – rather, in the frame work of the Islamic legal system, it means that since one is not able to derive the laws of Islam from their sources, he refers to and implements the judgments which the scholar who has this ability to enact, issues.

We are not obligated to perform Taqleed, rather as the scholars note, our **first option** is to become a Mujtahid - *one who has reached the level of Ijtihaad - the ability to independently extract the laws of Islam from their sources,* and this is obligatory upon all believers, however if even one person fulfills this task, then all are absolved of the responsibility.

Since reaching to such a level is not possible for everyone - and because of the fact that if everyone were to dedicate their lives to 'Islamic studies' we would fall short in having scientists, doctors, engineers, artists, designers, etc... the **second option** given to us is to perform precaution *(Ihtiyaat)* in Islamic law. If one decides to follow this method, then on a particular issue, he must review the Islamic rulings which all of the contemporary Mara'ja have issued and choose *"the most precautionary"* position.

Since the second method is difficult to follow, **the most practical option** is that we refer to an expert who has reached the ability to guide us to our responsibility - we perform his *Taqleed* and submit to his conclusions. Thus, by referring to the expert, the believers are absolved of their responsibility (of deriving the Islamic rulings) as long as they follow the rulings of a recognized scholar.

It should be noted that Taqleed pertains only to the realm of the Shari'ah; there can be no Taqleed in matters of belief *(Usulu'd-din)*. A Muslim must hold his belief in the fundamentals of his religion after attaining conviction of their truth through examination and reflection. Infact the Qur'an very clearly condemns those who follow others blindly in matters of belief.

However, in order for one's acts of worship to be performed correctly and accepted, they must be done under the shadow of one of the three options given above - failure to reach the level of *Mujtahid*, not practicing *Ihityaat*, and not doing the *Taqlid* of a recognized Marja' may render all of a person's actions (such as prayers and fasting) **null and void**.

Logical Proof for Taqleed

Just as in any sphere of our lives, we refer to the experts to solve our problems since we can not be an authority in every aspect and in matters such as engineering, medicine, optometry, car repair, etc… we always take our problems to those who have studied and specialized in a particular area of life. The religious interpretations and rulings is no different and thus, logic dictates that if we are not at the level of understanding the Shari'ah, we must ask those who have reached that stage.

Textual Proof for Taqleed

The Qur'an refers to 'following others' (in terms of religious guidance) on a number of instances. In the 9th chapter of the Qur'an, in verse 122 we read: *"It is not right that the believers in Islam all go forth (to the battle field to fight) – rather, why does not a group from amongst them go forth to become specialists in religious learning and after completing their studies, return back to their community and warn them (so that they may know the injunctions of the faith)."*

This verse shows that a group of people must go forth to gain a deep understanding of the religion and upon returning from studies and upon the others returning home from the battlefield, are to teach and instruct the believers in regards to their religious responsibilities.